

1 Joshua B. Swigart, Esq. (SBN: 225557)

josh@westcoastlitigation.com

2 Robert L. Hyde, Esq. (SBN: 227183)

3 bob@westcoastlitigation.com

HYDE & SWIGART

4 411 Camino Del Rio South, Suite 301

5 San Diego, CA 92108-3551

Telephone: (619) 233-7770

6 Facsimile: (619) 297-1022

7 Attorneys for Plaintiff

8 Vian Charbonneau

10
11
12 **UNITED STATES DISTRICT COURT**
13 **NORTHERN DISTRICT OF CALIFORNIA**

14 VIAN CHARBONNEAU,

15 Plaintiff,

16 v.

17
18 THE PATRICK M. CORBETT
19 LAW OFFICE, A COMPANY,
20 AND PATRICK CORBETT, AN
21 INDIVIDUAL, AND SOUTHERN
TIER AGENCY, A COMPANY,

22 Defendant.

Case No.: 3:08-CV-01833-MHP

PROOF OF SERVICE

JOSHUA SWIGART, ESQ. SBN 225557
HYDE & SWIGART
411 CAMINO DEL RIO SOUTH, SUITE 301
SAN DIEGO CA 92108

619-233-7770 Ref. No. : 0303916-01
Attorney for : PLAINTIFF Atty. File No. : C0800455

SUPERIOR COURT OF CA., COUNTY OF CONTRA COSTA
MT. DIABLO JUDICIAL DISTRICT JUDICIAL DISTRICT

PLAINTIFF : VIAN CHARBONNEAU
DEFENDANT : THE PATRICK M. CORBETT, et al.

Case No.: C 08-00455
PROOF OF SERVICE

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of the SUMMONS; COMPLAINT; CIVIL CASE COVER SHEET; NOTICE TO DEFENDANTS; CASE MANAGEMENT STATEMENT; CONTRA COSTA COUNTY SUPERIOR COURT ALTERNATIVE DISPUTE RESOLUTION (ADR) INFORMATION; NOTICE OF CASE MANAGEMENT CONFERENCE
3. a. Party served : THE PATRICK M. CORBETT LAW OFFICE, A COMPANY
b. Person served : PAUL SIMS, MANAGING AGENT
(PERSON APPARENTLY IN CHARGE)
4. Address where the party was served 2265 GEORGE URBAN BLVD
DEPEW, NY 14043 (Business)
5. I served the party
b. **by substituted service.** On March 7, 2008 at 11:10 AM I left the documents listed in item 2 with or in the presence of PAUL SIMS, MANAGING AGENT, PERSON APPARENTLY IN CHARGE
(1) **(business)** a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
(4) a **declaration of mailing** is attached.
(5) I attach a **declaration of diligence** stating actions taken first to attempt personal service.
6. The "Notice to the person served" (on the summons) was completed as follows:
c. on behalf of: THE PATRICK M. CORBETT LAW OFFICE, A COMPANY
under [xx] CCP 416.10 (corporation)
7. **Person who served papers**
a. WILLIAM BROWN
b. KNOX ATTORNEY SERVICE, INC.
2250 Fourth Avenue
San Diego, California 92101
c. 619-233-9700
d. Fee for service: \$154.25
e. I am:
(3) a registered California process server
(i) an independent contractor
(ii) Registration No.: 152
(iii) County: San Diego
8. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: March 25, 2008

Signature: SEE ATTACHED NOTARIZED AFFIDAVIT
WILLIAM BROWN

JOSHUA SWIGART, ESQ. SBN 225557
HYDE & SWIGART
411 CAMINO DEL RIO SOUTH, SUITE 301
SAN DIEGO CA 92108

619-233-7770 Ref. No. : 0303916-01
Attorney for : PLAINTIFF Atty. File No. : C0800455

SUPERIOR COURT OF CA., COUNTY OF CONTRA COSTA
MT. DIABLO JUDICIAL DISTRICT JUDICIAL DISTRICT

PLAINTIFF : VIAN CHARBONNEAU
DEFENDANT : THE PATRICK M. CORBETT, et al.

Case No.: C 08-00455
**DECLARATION REGARDING
DILIGENCE**

I received the within process on 03/04/08. After due and diligent effort I have been unable to effect personal service on the within named party at the following address(es):

Party served THE PATRICK M. CORBETT LAW OFFICE, A COMPANY

Business : 2265 GEORGE URBAN BLVD, DEPEW NY 14043

Attempts to effect service are as follows:

03/05/08 04:00P Attempted service at business; subject not in
03/06/08 09:26A Attempted service at business; subject not in
03/07/08 11:10A Attempted service-effected substitute service

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: March 25, 2008

Signature: SEE ATTACHED NOTARIZED AFFIDAVIT
WILLIAM BROWN

STATE OF: CALIFORNIA INDEX/CASE/FILE No. C 08-00455SUPERIOR COURT COUNTY OF: CONTRA COSTA

VIAN CHARBONNEAU

Plaintiff(s)/Petitioner(s),

**AFFIDAVIT PROOF OF SERVICE
INDIVIDUAL/CORPORATION**

Vs.

THE PATRICK M. CORBETT LAW OFFICE, et al.

Defendant(s)/Respondent(s),

STATE OF NEW YORK)

ss.)

COUNTY OF: ERIE)

The undersigned states that he/she is a resident of the State of New York, is over the age of 18, and is not a party to this case and that he/she served the annexed: **SUMMONS and COMPLAINT, CIVIL CASE COVER SHEET, NOTICE TO DEFENDANT, CASE MANAGEMENT STATEMENT, ADR INFORMATION, NOTICE OF MANAGEMENT CONFERENCE.**

And, that the named Defendant/Respondent: THE PATRICK M. CORBETT LAW OFFICE
was served as described below at:

Date 03.07/08 Time 11:10 AM

This service was completed at: 2265 GEORGE URBAN BLVD., DEPEW NY 14043
Known to be the Defendant's: PLACE OF BUSINESS

☐ Personal In-Hand☐ Responsible Person Service

Name: _____

Relationship: _____

☐ Substitute Service by affixing to the main door entrance, a copy thereof.

Previous attempts: _____

☒ Corporate Service by serving a person so named: PAUL SIMSPosition: MANAGING AGENT☐ Non-Service/Unable to Complete Service (Explain Below)

Description of person served.

Age	Wt	Ht	Sex
30	260	5'10"	MALE
Hair	Skin	Other	
BROWN	WHITE		

Copy mailed on: _____

☒ Defendant was not a member of the Armed Forces of the United States at the time/date of service.

Remarks/Comments: _____

Sworn to before me this

15TH

day of

MAR2008WILLIAM F. BROWN

Printed Name of Server

Signature William F. Brown

Notary

Leslie A. Cannon

NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
My Commission Expires Feb. 28, 2010

AFFIDAVIT PROOF OF SERVICE
Individual/Corporation

Cannon Legal Suppot, Inc.
5140 Main Street, Unit 303
Buffalo NY 14221

JOSHUA SWIGART, ESQ. SBN 225557
HYDE & SWIGART
411 CAMINO DEL RIO SOUTH, SUITE 301
SAN DIEGO CA 92108
619-233-7770
Attorney for : PLAINTIFF

Ref. No. : 0303916-01
Atty. File No. : C0800455

SUPERIOR COURT OF CA., COUNTY OF CONTRA COSTA
MT. DIABLO JUDICIAL DISTRICT JUDICIAL DISTRICT

PLAINTIFF : VIAN CHARBONNEAU
DEFENDANT : THE PATRICK M. CORBETT, et al.

Case No.: C 08-00455
DECLARATION OF MAILING

RE: THE PATRICK M. CORBETT LAW OFFICE, A COMPANY

I am a citizen of the United States and am employed in the County of SAN DIEGO, State of California. I am over 18 years of age and not a party to this action. My business address is
2250 FOURTH AVENUE, SAN DIEGO CA 92101

On March 17, 2008 I served the within documents:

SUMMONS; COMPLAINT; CIVIL CASE COVER SHEET; NOTICE TO DEFENDANTS;
CASE MANAGEMENT STATEMENT; CONTRA COSTA COUNTY SUPERIOR COURT
ALTERNATIVE DISPUTE RESOLUTION (ADR) INFORMATION; NOTICE OF CASE
MANAGEMENT CONFERENCE

On the party in said action, by mailing a true copy thereof (by first-class mail, postage prepaid), enclosed in a sealed envelope at the mail collection site at my place of employment, addressed to the following:

THE PATRICK M. CORBETT LAW OFFICE, A COMPANY

2265 GEORGE URBAN BLVD
DEPEW, NY 14043

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on March 17, 2008 at SAN DIEGO, California.

Signature: _____



KIMBERLY FOWLER

DECLARATION OF MAILING